

## NOTICE OF PENDENCY OF FLSA LAWSUITS

To: All employees of Twenty Ones Incorporated d/b/a The 40/40 Club, Shawn Carter p/k/a Jay-Z, Juan Perez and Desiree Gonzales and related entities (collectively "The 4040 Club") who worked in any hourly position (including office workers, bartenders, servers, bussers, and runners) since May 22, 2004.

From: Joseph & Herzfeld, LLP, Attorneys at Law

Bruckner Burch PLLC, Attorneys at Law

Michael Shen & Associates, PC, Attorneys at Law

Re: Collective action lawsuits against The 40/40 Club under the federal Fair Labor Standards Act.

This Notice is to advise you of two Fair Labor Standards Act (FLSA) lawsuits which have been filed against The 40/40 Club and to advise you of the legal rights you have in connection with those suits.

### 1. DESCRIPTION OF THE LAWSUITS.

On May 22, 2007, Celeste Williams filed a collective action lawsuit against The 40/40 Club. Since the lawsuit was filed, over a dozen additional employees have joined as plaintiffs. The law firms of Joseph & Herzfeld, LLP, and Bruckner Burch, PLLC, represent the plaintiffs in this lawsuit. In addition, Kishma Pickering and Sheron Brach filed a lawsuit against The 40/40 Club on June 5, 2007. This lawsuit was filed by the law firm of Michael Shen & Associates, P.C. Since that time, the lawyers handling these cases have agreed to pursue these claims jointly.

These lawsuits allege The 40/40 Club violated the FLSA by failing to pay employees' minimum and overtime wages, illegally retaining portions of employees' tips, and illegally charging employees for walk-outs, spills, etc.

### 2. YOUR RIGHT TO MAKE A CLAIM FOR UNPAID WAGES.

If at any time since May 22, 2004, you worked as an hourly employee with The 40/40 Club and you believe that you were subject to any of the illegal practices described above, you have the right to assert a claim under the Fair Labor Standards Act ("FLSA") in this lawsuit. **You are eligible to participate in this lawsuit even if you "settled" your claims privately with Defendants.**

3. HOW TO MAKE A CLAIM FOR UNPAID WAGES.

To make a claim for unpaid wages you must sign the attached "Consent to Make a Claim in Lawsuit under Federal Fair Labor Standards Act (FLSA)" and fax, mail or overnight it to:

D. Maimon Kirschenbaum  
Joseph & Herzfeld, LLP  
Attorneys at Law  
757 Third Avenue, Suite 2500  
New York, NY 10017  
Phone: (212) 688-5640  
Fax: (212) 688-2548  
Email: maimon@jhllp.com

For your convenience, a self-addressed, postage paid envelope is enclosed. Also enclosed is a form entitled "Client Information." It is to enable these attorneys to contact you. To furnish this information to the attorneys, fill out the form and mail it to the attorneys at the above address.

4. IF YOU MAKE A CLAIM FOR UNPAID WAGES.

If you sign and mail the form, it will be filed with the court. You will then be considered a "party plaintiff." You will become a client of the attorneys listed in Section 1 (above), who represent the plaintiffs in the lawsuit. These attorneys are representing the plaintiffs on a contingency basis. Therefore, attorneys' fees and costs will be determined on a percentage basis based on the recovery on behalf of Plaintiffs and that Plaintiffs will not be responsible for fees and/or costs if there is no recovery for the Plaintiffs. If there is a recovery in this case, Plaintiffs' counsel will make an application to the Court for the recovery of fees and costs. Under the contingent fee agreement entered into by the plaintiffs, the attorneys are entitled to 33% of any settlement fund or judgment, after the deduction of costs and expenses.

**Federal law prohibits The 40/40 Club from retaliating against you if you make a claim for unpaid wages.**

5. THE LEGAL EFFECT OF FILING OR NOT FILING THE CONSENT FORM.

If you do not file a consent form, you will not receive any money or other relief for FLSA claims in the lawsuit. If you do file a consent form, you will be bound by the judgment of the court on all FLSA issues in the case, win or lose.

6. THE COURT HAS NOT DECIDED WHO WILL WIN.

Although the court has approved the sending of this notice, the court expresses no opinion on the merits of this lawsuit.

**PLEASE DO NOT CALL OR WRITE THE COURT ABOUT THIS NOTICE.**

Dated: \_\_\_\_\_

D. Maimon Kirschenbaum (DK-2338)  
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25<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 688-5640  
Fax: (212) 688-2548